

REMARKS

The present application and its claims are directed to a selling service and system. Claims 1-4 were originally presented and Claims 5-24 have been added, Claims 1-4 have been cancelled and no claims have been amended so that Claims 5-24 are currently pending.

OBJECTION TO DRAWINGS

Applicant is submitting herewith replacement diagrams for the figures noted by the Examiner as containing improper shading and other figures with similar defects. These replacement diagrams (Figs. 3, 9-24, 26-27 and 29-32) overcome the Examiner's objection which therefore should be withdrawn.

REJECTION UNDER 35 USC §101

The rejection of Claims 1-4 is moot in view of the new claims submitted with this response and withdrawal of this rejection is appropriate.

PRIOR ART REJECTIONS

In response to the Examiner's rejection of Claims 1-4 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,845,265 to Woolston (hereinafter "Woolston", Applicant respectfully traverses the rejection. In particular, the new claims submitted with this response are distinguishable from Woolston for the reasons set forth below.

Claims 5-17

Claim 5 is not anticipated by Woolston for at least the reason that Woolston does not disclose "one or more inlets that receive a plurality of items to be sold on a consignment basis for a seller" and "a computer-based hub that is connected to each inlet wherein the hub manages the sale of the plurality of items from the inlets" as set forth in claim 5. Woolston discloses a consignment system with a posting terminal 700 and market maker computer 800 as shown in Figure 12 wherein the system is designed to create a market for a good such as a collectable good as set forth in the Abstract of Woolston. In another embodiment, a consignment node is

described. In either case, Woolston does not show or suggest the one or more inlets and the hub connected to each inlet that manages the sale of items from the inlets.

Furthermore, Woolston does not disclose or suggest a hub having, among other elements, “a listing station that generates a listing for each item based on the evaluation data and the photograph wherein the listing includes sales criteria so that each item is listed using the listing in an existing marketplace for the sales of the item” as set forth in claim 5. In both embodiments shown in Woolston, the system is designed to create a marketplace for an item or class of items. See Abstract of Woolston. In contrast, the claimed system is a delivery mechanism to an existing marketplace, for example eBay. Thus, Woolston does not describe the claimed listing station that permits the items from the inlets to be sold at an existing marketplace.

In addition, Woolston does not describe “a marketplace interface that coordinates the sale of the item at the existing marketplace including receiving an identity of a buyer, receiving a payment from the buyer of a sold item, shipping the sold item to the buyer and sending a portion of the payment from the buyer to the seller” as set forth in claim 5. In particular, since Woolston is making his own marketplace, the Woolston system does not require the claimed marketplace interface that coordinates the sale of the item at the existing marketplace. Therefore, claim 5 is not anticipated by Woolston. Furthermore, claims 6-17 that depend of claim 5 are also allowable over Woolston for at least the same reasons as claim 5.

Claim 6 further recites that “each inlet ships the item to the hub” which is not shown by Woolston. Woolston is an electronic marketplace and does not describe a system in which the items from the inlets are shipped to the hub. Thus, Woolston does not anticipate Claim 6.

Claim 10 further recites “a storage area wherein the items shipped from the inlets are stored in the storage area.” This feature of the claimed system is not shown by Woolston as Woolston is a virtual marketplace.

Claims 18-24

Claim 18 is distinguishable from Woolston at least for the reasons that claim 18 recites “receiving a plurality of items to be sold on a consignment basis for a seller at one or more inlets” and “listing each item using the listing in an existing marketplace for the sale of the item.” For the reasons set forth above for claim 1, Woolston does not disclose these claimed steps. Furthermore, claim 18 recites “coordinating the consignment sale of the item for the seller at the existing marketplace” which is not shown by Woolston for at least the same reasons as claim 1 above. Thus, claim 18 is allowable over Woolston. Furthermore, claims 19- 24 are allowable over Woolston for at least the same reasons as claim 18.

Claim 20 is distinguishable from Woolston for at least the same reason as claim 6 above. Claim 21 is distinguishable from Woolston for at least the same reason as claim 10 above.

Claim 23 further recites “wherein listing each item further comprising communicating the listing to the existing marketplace over a communications network” which is not shown by Woolston as Woolston is creating his own marketplace and does not utilize an existing marketplace. Therefore, claim 23 is allowable over Woolston.

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CONCLUSION

In view of the above, it is respectfully submitted that Claims 5-24 are allowable over the prior art cited by the Examiner and early allowance of these claims and the application is respectfully requested.

The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896.

Respectfully submitted,

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Dated: July 7, 2005 By T. Lohse

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